

# United States Patent Application

## COMBINED DECLARATION AND POWER OF ATTORNEY

I, the below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: CTLA4 MOLECULES AND IL4-BINDING MOLECULES AND USES THEREOF

The specification of which

- a.    is attached hereto  
 b. X was filed on April 15, 1994 as application serial no. 08/228,208 and was amended on    (if applicable) (in the case of a PCT-filed application) described and claimed in international no.    filed    and as amended on    (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (see page 3 attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent of inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

- a. X no such applications have been filed.  
 b.    such applications have been filed as follows:

### FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119

COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
N/A			

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U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)
08/008,898	January 22, 1993	Pending

I hereby appoint the following attorney and/or patent agent(s) to prosecute the application and to transact all business in the Patent and Trademark Office connected herewith:

Adriano, Sarah B.	Reg. No. 34,470	Golla, Charles E.	Reg. No. 26,896	Railand, Earl D.	Reg. No. 25,767
Batzli, Brian H.	Reg. No. 32,960	Gould, John D.	Reg. No. 18,223	Schmidt, Cecil C.	Reg. No. 20,566
Beard, John L.	Reg. No. 27,612	Gresens, John J.	Reg. No. 33,112	Schuman, Mark D.	Reg. No. 31,197
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Berman, Charles	Reg. No. 29,249	Hassing, Thomas A.	Reg. No. 36,159	Schwappach, Karl G.	Reg. No. 35,786
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Please direct all correspondence in this case to Merchant, Gould, Smith, Edell, Welter & Schmidt at the address indicated below:

Suite 400, 11150 Santa Monica Boulevard, Los Angeles, CA 90025-3395  
Telephone No. (310)445-1140

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2	Full Name Of Inventor	Family Name	First Given Name	Second Given Name
0	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
1	Post Office Address	Post Office Address	City	State & Zip Code/Country
		2430 9th Avenue West	Seattle	WA 98119/USA
2	Full Name Of Inventor	Family Name	First Given Name	Second Given Name
0	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
2	Post Office Address	Post Office Address	City	State & Zip Code/Country
		306 N.W. 113th Place	Seattle	WA 98117/USA
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0	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
3	Post Office Address	Post Office Address	City	State & Zip Code/Country
		805 Ridge Road Hopewell	Monmouth Junction NJ	08525 USA
2	Full Name Of Inventor	Family Name	First Given Name	Second Given Name
0	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
4	Post Office Address	Post Office Address	City	State & Zip Code/Country
		618 219th Place S.W. Bothell	Bothell	WA 98021/USA

	Full Name Of Inventor	Family Name WALLACE	First Given Name PHILIP	Second Given Name M.
2	Residence & Citizenship	City SEATTLE	State or Foreign Country WA	Country of Citizenship United Kingdom
0	Post Office Address	Post Office Address 3020 64th Avenue Southwest, #D	City Seattle	State & Zip Code/Country WA 98116/USA
5	Signature of Inventor 201		Signature of Inventor 202	Signature of Inventor 203
	Date	Date	Date	7-7-94

Signature of Inventor 204	Signature of Inventor 205
Date	Date

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;

or

- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
  - (2) Each attorney or agent who prepares or prosecutes the application; and
  - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

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201	Full Name Of Inventor	LINSLEY	First Given Name	PETER	Second Given Name	S.
	Residence & Citizenship	City	State or Foreign Country	WA	Country of Citizenship	USA
	Post Office Address	SEATTLE	City	WA	State & Zip Code/Country	98119/USA
		2430 9th Avenue West	Seattle			
202	Full Name Of Inventor	LEDBETTER	First Given Name	JEFFREY	Second Given Name	A.
	Residence & Citizenship	City	State or Foreign Country	WA	Country of Citizenship	USA
	Post Office Address	SEATTLE	City	WA	State & Zip Code/Country	98117/USA
		306 N.W. 113th Place	Seattle			
203	Full Name Of Inventor	DAMLE	First Given Name		Second Given Name	
	Residence & Citizenship	City	State or Foreign Country	NJ	Country of Citizenship	USA
	Post Office Address	Monmouth Junction	City	NJ	State & Zip Code/Country	08852/USA
		865 Ridge Road	Monmouth Junction			
204	Full Name Of Inventor	BRADY	First Given Name	WILLIAM	Second Given Name	
	Residence & Citizenship	City	State or Foreign Country	WA	Country of Citizenship	USA
	Post Office Address	BOTHELL	City	WA	State & Zip Code/Country	98021/USA
		618 219th Place S.W.	Bothell			

2 0 5	Full Name Of Inventor	Family Name WALLACE	First Given Name PHILIP	Second Given Name M.
	Residence & Citizenship	City SEATTLE	State or Foreign Country WA	Country of Citizenship United Kingdom
	Post Office Address	Post Office Address 3020 64th Avenue Southwest, #D	City Seattle	State & Zip Code/Country WA 98116/USA

Signature of Inventor 201	Signature of Inventor 202	Signature of Inventor 203
Date 09/29/94	Date 8/30/94	Date

Signature of Inventor 204	Signature of Inventor 205
Date 08/30/94	Date 9/13/94

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MERCHANT, GOULD, SMITH, EDELL, WELTER & SCHMIDT

United States Patent Application

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		Plunkett, Theodore	Reg. No. 37,209		

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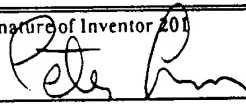
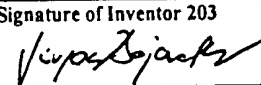
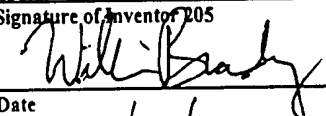
Please direct all correspondence in this case to Merchant, Gould, Smith, Edell, Welter & Schmidt at the address indicated below:

11150 Santa Monica Boulevard, Suite 400  
Los Angeles, California 90025-3395  
Telephone No. (310) 445-1140

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

201	Full Name Of Inventor	Family Name Linsley	First Given Name Peter	Second Given Name S.
	Residence & Citizenship	City Seattle	State or Foreign Country Washington	Country of Citizenship USA
	Post Office Address	Post Office Address 2430 9th Avenue West	City Seattle	State & Zip Code/Country Washington 98119/USA
202	Full Name Of Inventor	Family Name Ledbetter	First Given Name Jeffrey	Second Given Name A.
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	Post Office Address	Post Office Address 306 N.W. 113th Place	City Seattle	State & Zip Code/Country Washington 98117/USA

2 0 3	Full Name Of Inventor	Family Name Bajorath	First Given Name Jurgen	Second Given Name
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2 0 4	Full Name Of Inventor	Family Name Peach	First Given Name Robert	Second Given Name
	Residence & Citizenship	City Edmonds	State or Foreign Country Washington	Country of Citizenship New Zealand
	Post Office Address	Post Office Address 14021 65th Pl. W.	City Edmonds	State & Zip Code/Country Washington 98026/USA
2 0 5	Full Name Of Inventor	Family Name Brady	First Given Name William	Second Given Name
	Residence & Citizenship	City Edmonds	State or Foreign Country Washington	Country of Citizenship USA
	Post Office Address	Post Office Address 618 219th Place S.W.	City Bothell	State & Zip Code/Country Washington 98021/USA

Signature of Inventor 201 	Signature of Inventor 202	Signature of Inventor 203 
Date Sept 3, 1997	Date	Date Sept 3, 1997
Signature of Inventor 204	Signature of Inventor 205 	Signature of Inventor 206
Date	Date 8/20/97	Date

For Additional Inventors:

Indicate here and attach sheet with same information, including date and signature.

#### § 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;
- or

- (2) It refutes, or is inconsistent with, a position the applicant takes in:

- (i) Opposing an argument of unpatentability relied on by the Office, or

- (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application:

- (2) Each attorney or agent who prepares or prosecutes the application; and

- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.



MERCHANT, GOULD, SMITH, EDELL, WELTER & SCHMIDT  
United States Patent Application  
COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: CTLA4 MOLECULES AND IL4-BINDING MOLECULES AND USES THEREOF

The specification of which

a. is attached hereto

b. ☒ was filed on April 15, 1994 as application serial no. 08/228,208 and was amended on (if applicable) (in the case of a PCT-filed application) described and claimed in international no. filed and as amended on (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (see page 3 attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

a. ☒ no such applications have been filed.

b. such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)
08/008,898	January 22, 1993	Pending

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Adriano, Sarah B.	Reg. No. 34,470	Gabilan, Mary Susan	Reg. No. 38,729	Pollinger, Steven J.	Reg. No. 35,326
Betzli, Brian H.	Reg. No. 32,960	Gates, George H.	Reg. No. 33,500	Reich, John C.	Reg. No. 37,703
Beard, John L.	Reg. No. 27,612	Golia, Charles E.	Reg. No. 26,896	Reiland, Earl D.	Reg. No. 25,767
Beck, Robert C.	Reg. No. 28,184	Gorman, Alan G.	Reg. No. 38,472	Schmidt, Cecil C.	Reg. No. 20,566
Bejin, Thomas E.	Reg. No. 37,089	Gould, John D.	Reg. No. 18,223	Schuman, Mark D.	Reg. No. 31,197
Berman, Charles	Reg. No. 29,249	Gresens, John J.	Reg. No. 33,112	Schumann, Michael D.	Reg. No. 30,422
Boquckl, Raymond A.	Reg. No. 17,426	Hamre, Curtis B.	Reg. No. 29,165	Sebald, Gregory A.	Reg. No. 33,280
Bruess, Steven G.	Reg. No. 34,130	Hassing, Thomas A.	Reg. No. 36,159	Sharp, Janice A.	Reg. No. 34,051
Byrne, Linda M.	Reg. No. 32,404	Hillson, Ragdall A.	Reg. No. 31,838	Smith, Jerome R.	Reg. No. 33,684
Carlson, Alan G.	Reg. No. 25,959	Hollingsworth, Mark A.	Reg. No. 38,491	Sorensen, Andrew D.	Reg. No. 33,606
Carter, Charles G.	Reg. No. 35,093	Kastelic, Joseph M.	Reg. No. 37,160	Stinebruner, Scott A.	Reg. No. 38,323
Caspers, Philip P.	Reg. No. 33,227	Kattelberger, Denise	Reg. No. 33,924	Strawbridge, Douglas A.	Reg. No. 28,376
Clifford, John A.	Reg. No. 30,247	Kowalchuk, Alan W.	Reg. No. 31,535	Strodthoff, Kristine M.	Reg. No. 34,259
Conrad, Timothy R.	Reg. No. 30,164	Kowalchuk, Katherine	Reg. No. 36,848	Sumner, John P.	Reg. No. 29,114
Crawford, Robert	Reg. No. 32,122	Krull, Mark A.	Reg. No. 34,205	Sumners, John S.	Reg. No. 24,216
Daignault, Ronald A.	Reg. No. 25,968	Lacy, Paul A.	Reg. No. P-38,946	Tellekson, David K.	Reg. No. 32,314
Daley, Dennis R.	Reg. No. 34,994	Lasky, Michael B.	Reg. No. 29,555	Underhill, Albert L.	Reg. No. 27,403
Daulton, Julie R.	Reg. No. 36,414	Lynch, David W.	Reg. No. 36,204	Vandenburgh, J. Derek	Reg. No. 32,179
Dempster, Shawn B.	Reg. No. 34,321	Mau, Michael L.	Reg. No. 30,087	Vietzke, Lance L.	Reg. No. 36,708
DiPietro, Mark J.	Reg. No. 28,707	McDonald, Daniel W.	Reg. No. 32,044	Welter, Paul A.	Reg. No. 20,890
Edell, Robert T.	Reg. No. 20,187	McDonald, Wendy H.	Reg. No. 32,427	Williams, Douglas J.	Reg. No. 27,054
Farber, Michael B.	Reg. No. 32,612	Mueller, Douglas P.	Reg. No. 30,300	Wood, Gregory B.	Reg. No. 28,133
Fauver, Cole M.	Reg. No. 36,797	Nelson, Albin J.	Reg. No. 28,650	Xu, Min S.	Reg. No. P-39,536
		Plunkett, Theodore	Reg. No. 37,209		

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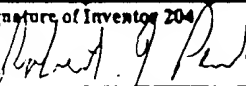
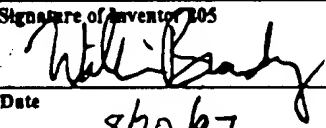
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201	Full Name Of Inventor	Family Name Linsley	First Given Name Peter	Second Given Name S.
	Residence & Citizenship	City Seattle	State or Foreign Country Washington	Country of Citizenship USA
	Post Office Address	Post Office Address 2430 9th Avenue West	City Seattle	State & Zip Code/Country Washington 98119/USA
202	Full Name Of Inventor	Family Name Ledbetter	First Given Name Jeffrey	Second Given Name A.
	Residence & Citizenship	City Seattle	State or Foreign Country Washington	Country of Citizenship USA
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203	Full Name Of Inventor	Family Name Bajorath	First Given Name Jurgen	Second Given Name
	Residence & Citizenship	City Lynnwood	State or Foreign Country Washington	Country of Citizenship Germany
	Post Office Address	Post Office Address 17406 37th Ave. W.	City Lynnwood	State & Zip Code/Country Washington 98037/USA
204	Full Name Of Inventor	Family Name Peach	First Given Name Robert	Second Given Name
	Residence & Citizenship	City Edmonds	State or Foreign Country Washington	Country of Citizenship New Zealand
	Post Office Address	Post Office Address 14021 65th Pl. W.	City Edmonds	State & Zip Code/Country Washington 98026/USA
205	Full Name Of Inventor	Family Name Brady	First Given Name William	Second Given Name
	Residence & Citizenship	City Edmonds	State or Foreign Country Washington	Country of Citizenship USA
	Post Office Address	Post Office Address 618 219th Place S.W.	City Bothell	State & Zip Code/Country Washington 98021/USA

Signature of Inventor 203 	Signature of Inventor 202	Signature of Inventor 203 
Date Sept 3, 1997	Date	Date Sept 3, 1997
Signature of Inventor 204 	Signature of Inventor 205 	Signature of Inventor 206
Date March 24, 1998	Date 8/20/97	Date

For Additional Inventors:

\_ Indicate here and attach sheet with same information, including date and signature.

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  - (2) Each attorney or agent who prepares or prosecutes the application; and
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